

Magistrate Judge's Report and Recommendation have been filed of record.

Having considered the record in this case, the undersigned United States District Judge is of the opinion petitioner has not made a prima facie showing for issuance of a certificate of appealability under 28 U.S.C. § 2253(c)(1). Accordingly, the Magistrate Judge's Report and Recommendation to deny issuance of a certificate of appealability is hereby ADOPTED. For the reasons stated in both Reports and Recommendations and the Order adopting the March 12, 2009 recommendation and denying the petition, a Certificate of Appealability is hereby denied.

IT IS SO ORDERED.

ENTERED this 10th day of June 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE